

Atty Docket No. 15270J-004743US

PTO FAX NO.: (571) 273-0889

ATTENTION: Examiner Nichols  
TELEPHONE NO.: (571) 272-0889

Group Art Unit 1647

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER Nichols**

I hereby certify that the following documents form Re Application of SCHENK, Dale B., Application No. 09/724,319, filed November 27, 2000 for PREVENTION AND TREATMENT OF AMYLOIDOGENIC DISEASE were deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the January 7, 2004.

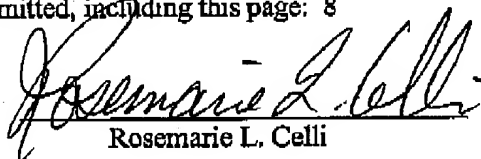
Documents Attached

1. Transmittal Form (PTO/SB/21) (1 page);
2. Response to Restriction Requirement (2 pages);
3. Petition to Extend Time of Response (1 page, submitted in duplicate);
- and,
4. Return Postcard.

Also attached hereto is a copy of the Return Postcard bearing the OIPE, Patent & Trademark Office date stamp of January 12, 2004

Number of pages being transmitted, including this page: 8

Dated: April 5, 2004

  
Rosemarie L. Celli

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60186366 v1

**FILING ACKNOWLEDGEMENT****VIA FIRST CLASS MAIL Mailing Date: January 7, 2004**Appln. No. : 09/724,319  
Examiner : Christopher NicholsFiled : November 27, 2000  
TC/A.U. : 1600/1647

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R. Colli/L. Hernandez

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File No. 15270J-004743US

R. Celli/L. Hernandez

PTO/SB/21 (08-08)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/724,319
		Filing Date	November 27, 2000
		First Named Inventor	Schenk, Dale B.
		Art Unit	1847
		Examiner Name	Nichols
Total Number of Pages in This Submission	8	Attorney Docket Number	15270J-004743US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (2 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request (1 page, submitted in duplicate) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or individual	Townsend and Townsend and Crew LLP. Rosemarie L. Celli	Reg. No. 42,397
Signature	<i>Rosemarie L. Celli</i>	
Date	January 7, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Rosemarie L. Celli		
Signature	<i>Rosemarie L. Celli</i>	Date	January 7, 2004

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 7, 2004.

**PATENT**

TOWNSEND and TOWNSEND and CREW LLP

By: 

Rosemarie L. Celli

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SCHENK, Dale B.

Application No.: 09/724,319

Filed: November 27, 2000

For: PREVENTION AND TREATMENT  
OF AMYLOIDOGENIC DISEASE

Customer No.: 20350

Confirmation No.: 6653

Examiner: Christopher J. Nichols

Technology Center/Art Unit: 1600/1647

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This paper is submitted in response to the Restriction Requirement mailed July 21, 2003. Please enter the following remarks:

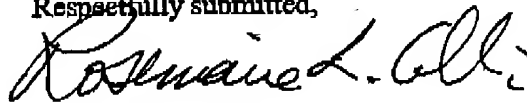
**REMARKS/ARGUMENTS**

Claims 54-83, 85, 86, 89, 92-94, 97, 99, and 101-163 are pending. Applicant respectfully points out that claims 1-52 and 54-55 were canceled when the instant application was filed.

Applicant elects Group V, claims 56-82, 85-86, 89, and 92-94, with traverse. Applicant requests that Group VI, claims 97 and 99, and Group V be rejoined. The Examiner states that the claims of Group VI and Group V are related as product and process of use, and that the claims of Group VI and Group V are distinct because the claimed product can be used in a materially different process of using the product. It is the position of the Examiner that the antibody of Group VI can be used to purify A $\beta$  in a biochemical assay. The applicant respectfully points out that the antibody of Group VI is a pharmaceutical composition and as such would not be suitable for the set forth by the Examiner.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Rosemarie L. Celli  
Reg. No. 42,397

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
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